IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 1ST JANUARY 2007 / 11TH POUSHA, 1928

LA.App..No. 411 of 2005()

LAR.65/1985 of SUB COURT,KOTTARAKKARA

APPELLANT: RESPONDENT

STATE OF KERALA

BY GOVERNMENT PLEADER SRI.L.G.SURESH BABU

RESPONDENTS: CLAIMANTS/RESPONDENT

1. KUNJUKUTTY AMMA BHARATHI AMMA,
   CHATHANKUZHI VEEDU, PADINJATTINKARA,
   KOTTARAKKARA.

2. RAGHAVAN PILLAI DEVADASAN,
   CHATHANKUZHI VEEDU, PADINJATTINKARA,
   KOTTARAKKARA.

3. RAGHAVAN PILLAI SIVADASAN PILLAI,
   CHATHANKUZHI VEEDU, PADINJATTINKARA,
   KOTTARAKKARA.

4. RAGHAVAN PILLAI ANANDAKRISHNAN PILLAI,
   CHATHANKUZHI VEEDU, PADINJATTINKARA,
   KOTTARAKKARA.

5. RAGHAVAN PILLAI RADHAKRISHNA PILLAI
   (MINOR) CHATHANKUZHI VEEDU, PADINJATTINKARA,
   KOTTARAKKARA.

6. RAGHAVAN PILLAI MADHUSOODANA PILLAI
   (MINOR), CHATHANKUZHI VEEDU, PADINJATTINKARA,
   KOTTARAKKARA.

BY ADV. SMT.P.A.ANITHA
SRI.T.UNNIKRISHNAN NAIR

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 01/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.T. SANKARAN, J.

L.A.A.NO. 411 OF 2005

Dated this the 1st day of January,2007

JUDGMENT

An extent of 2.70 Ares of land belonging to the respondents was acquired for the construction of Left Bank Canal of Kallada Irrigation Project. Notification under Section 3(1) of the Land Acquisition Act was issued on 3.11.1982. Award was passed on 26.7.1983 and possession of the property was taken on 2.9.1983. The Land Acquisition Officer awarded land value at the rate of Rs.3,833/- per Are. On reference, the Reference Court passed an award on 10.10.1996. The claimant preferred L.A.A.No.1053 of 1997 challenging the judgment of the Reference Court. The State filed Memorandum of Cross Objection. L.A.A.No.1053 of 1997 was disposed of by the judgment dated 3.4.2003. The judgment of the Reference Court was set aside and the matter was remanded for fresh

disposal.

2. After remand, additional witnesses were examined and additional documents were produced. The court below enhanced the land value and fixed the land value at Rs.7,000/- per cent. The State challenges the same in this appeal.

3. The acquired property is very near to Kottarakkara Maha Ganapathy Temple. By the acquisition, an extent of two and odd cents of land belonging to the petitioner was left without any access. The property is only 20 metres away from Kollam-Shencotta road. The basis document relied upon by the State is in respect of a property which is situated more than 1½ kms. away from the acquired land. The claimant relied on the judgment in L.A.A.NO.1179 of 1997 which pertains to acquisition of the land belonging to FW3, Kuttan Pillai, for the construction of the office building

for the Kerala State Electricity Board. The evidence of FW3 would indicate that his property which was acquired lies in a less important area when compared to the acquired land. In Kuttan Pillai's case, Rs.17,000/- per Are was awarded as compensation and that was confirmed by the High Court in L.A.A.No.1179 of 1997. The court below also relied on another document under which one cent of land was sold for Rs.9,000/- as per a document which was executed one year before the acquisition in the present case. The court below considered the potentialities and importance of the land and also considered the proximity of the acquired land to the important institutions like Kottarakkara Railway Station and held that compensation at the rate of Rs.7,000/- per cent would be adequate and reasonable compensation. After going through the documentary and oral evidence, I am of the view that the court below was right in fixing the land value at Rs.7,000/- per

cent. No grounds are made out for interference in appeal.

Accordingly, the Land Acquisition Appeal is dismissed, however, without any order as to costs.

(K.T.SANKARAN)
Judge

ahz/

K.T.SANKARAN, J.

CRL.M.C.NO. OF

O R D E R

September, 2006